



**DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES**

Policy No.: DOC 5.1.4	Subject: FORCED LABOR	
Chapter 5 : OFFENDER PROGRAMS	Page 1 of 4	
Section 1: Work Programs	Revision Date:	
Signature: /s/ Bill Slaughter	Effective Date: March 12, 2001	

I. POLICY:

It is the policy of the Department of Corrections to allow adult facilities to implement Forced Labor Programs that require offenders to work without compensation.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

53-30-132, MCA. Offender Participation and Statutes in Prison Work Programs

53-1-203, MCA. Powers and Duties of Department of Corrections

DOC Policy 3.1.8, Use of Force and Restraints

DOC Policy 3.1.16, Contraband Control

DOC Policy 3.1.17, Offender Searches

DOC Policy 4.2.1, Offender Classification Procedures

DOC Policy 4.5.14, Health Assessment of Offenders

III. DEFINITIONS:

Constant Direct Supervision means staff supervision of offenders that requires continuous visual contact in close proximity to the work crew.

Forced Labor means a program under which adult offenders are required to perform manual labor tasks, under direct supervision, without compensation.

Staff means facility employees charged with operating and/or supervising the Forced Labor Program.

IV. PROCEDURES:

A. Screening and Identifying Offenders for Forced Labor Programs

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1. The target population for Forced Labor Programs shall be offenders who have:
 - a) been sent to a facility for a parole violation, pre-release failure or Correctional Training Center (CTC) failure
 - b) received severe disciplinary infractions and are sanctioned to a Forced Labor Program as a result of being found guilty
 - c) escape or walkaway histories must not be assigned to forced labor crews working outside of the secure perimeter of a facility
2. Offenders may be assigned to the Forced Labor Program if it is determined that the offender is not in compliance with court ordered or recommended treatment programs.
3. Facility medical staff must develop a list of offenders who are medically cleared for involvement in the Forced Labor Program. A health status assessment that includes notations of any medical restrictions will be completed on every offender (refer to DOC [Policy 4.5.14, Health Assessment of Offenders](#)). The medical staff must forward this list to the unit in charge of the Forced Labor Program.
4. Staff may assign offenders from the medical clearance list to forced labor crews.
5. Staff will schedule forced labor crews in cooperation with the Chief of Security/Shift Commander or designee.

B. Working Hours

1. Work hours will be based on institutional need, the nature of the offense that resulted in the return of the offender, and/or the severity of the conduct or rule infraction.
2. Staff and/or the Hearings Officers must document the number of hours that each offender will work at the time of assignment to the Forced Labor Program.
3. All offenders assigned to the Forced Labor Program should work a minimum of 20 hours per week. Under no circumstances will an offender be required to work more than 40 hours per week or eight hours in a 24-hour day.
4. Disciplinary sanctions to the Forced Labor Program must not exceed 40 hours per violation.

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C. Working Conditions

1. Staff must contact the Chief of Security/Shift Commander or designee, for authorization and appropriate security clearance specific to all work areas. This authorization and security clearance shall be in writing and signed by the Chief of Security/Shift Commander or designee.
2. All work must be manual labor, with limited use of power equipment. All work assignments associated with the program, regardless of location (inside or outside of the secure perimeter), require constant direct supervision of offenders by facility staff.
3. Forced labor offenders may be restrained while working, in accordance with local classification and supervision policies, and as defined in [DOC Policy 3.1.8, Use of Force and Restraints](#).
4. No single forced labor crew may exceed 15 offenders, and there must be at least one supervisor for every five offenders.
5. All forced labor offenders must be pat searched and randomly strip-searched before leaving their assigned housing units, and strip-searched before being returned to their assigned housing units. Searches will be in accordance with [DOC Policy 3.1.17, Offender searches](#) and [DOC Policy 3.1.16, Contraband Control](#).
6. Any offender who refuses to work will be subject to disciplinary action.
7. Counts must be conducted at regularly scheduled times, and the supervisory staff must report all counts to the main facility. Forced labor offenders may be placed on the out count.
8. Supervisory staff must be equipped with hand held radios and handcuffs while supervising forced labor offenders. This applies when working both inside and outside the secure perimeter.

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D. Offenders participating in the Forced Labor Program may be removed from the program for the following reasons:

1. the offender is assigned to another job
2. the offender enters a court ordered or recommended treatment program and is in compliance with the program requirements
3. the offender is removed by medical staff for medical reasons
4. the number of hours the offender was given as a disciplinary sanction have been successfully completed
5. the offender's classification precludes participation

E. Custody Levels

1. All forced labor offenders must be classified prior to being assigned to work outside of the secure perimeter of the facility. Offenders who are not classified may only be assigned work inside the secure perimeter. Work assignments for offenders in Forced Labor Programs will be consistent with local facility supervision and classification policies.
2. Under no circumstances shall Maximum Custody offenders be eligible for the Forced Labor Program.

V. **CLOSING:** Any questions concerning this policy should be addressed to Chief of Security/Shift Commander or designee.